

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

INSTANT ONE MEDIA, INC., Plaintiff, v. EZFAUXDECOR, LLC, <i>et al.</i>, Defendants.	Civil Action Number 1:19-cv-00540-WMR
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PLAINTIFF'S MOTION IN LIMINE AND BRIEF IN SUPPORT

COMES NOW Plaintiff, Instant One Media, Inc. ("IOM"), and, in accordance with this Honorable Court's Standing Order Regarding Civil Litigation,¹ files Plaintiff's Motion in Limine and Brief in Support, showing this Honorable Court as follows:

I. FACTS AND PROCEDURAL POSTURE

On 2020-Apr-17, the Parties filed their joint Pretrial Order.² In Attachment G-2 of the Pretrial Order, Defendants identified their Documentary and Physical Evidence for trial, which included "Email Hentzen to Mikael Jul. 10, 2019."³

At no time did Defendants identify Hentzen as a material witness with discoverable information. Additionally, at no time during discovery did Defendants either identify or produce any email messages by Hentzen.

¹ Doc. 82, filed 2020-Feb-18.

² Doc. 87, filed 2020-Apr-17.

³ Doc. 87, at p. 36, Exhibit Number 7.

Discovery is now closed.

II. ARGUMENT

Plaintiff's argument is simple: Defendants should be prohibited from introducing evidence at trial that was neither identified nor produced during discovery. Furthermore, Defendants should not be permitted to introduce evidence that was created by Defendants' counsel because he is not permitted to be a material witness at trial.

III. CONCLUSION

Defendants should be prohibited from introducing evidence at trial that was neither identified nor produced during discovery and, thus, this Honorable Court should GRANT Plaintiff's Motion in Limine.

Respectfully submitted, 2020-Jun-3.

/s/ Daniel E. DeWoskin
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CERTIFICATE OF COMPLIANCE PURSUANT TO LR 7.1D

The undersigned counsel hereby certifies that **Plaintiff's Motion in Limine and Brief in Support** has been prepared using one of the font and point selections approved in LR 5.1 NDGa.

Respectfully submitted, 2020-Jun-3.

/s/ Daniel E. DeWoskin
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CERTIFICATE OF FILING AND SERVICE

Plaintiff certifies that **Plaintiff's Motion in Limine and Brief in Support** was filed using the CM/ECF system, which will send notification of such filing to all counsel of record in this matter.

Respectfully submitted, 2020-Jun-3.

/s/ Daniel E. DeWoskin
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